

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**KENNEDY NOTE, LLC, an Oregon  
limited liability company,**

Plaintiff,

v.

**THE BANK OF NEW YORK, as Trustee  
for Structured Asset Securities  
Corporation Mortgage Pass-Through  
Certificates 2002-23XS, its successors  
and/or assigns, and MEDALLION  
INDUSTRIES, INC., an Oregon  
corporation,**

Defendants.

Case No. 3:19-cv-01846-YY

**ORDER**

Craig D. Curtright, 2567 SW Kilkenny Court, West Linn, OR 97068. Attorney for Plaintiff.

Kevin H. Kono, Davis Wright Tremaine LLP, 1300 SW Fifth Avenue, Suite 2400, Portland, Oregon 97201. Attorney for Defendant The Bank of New York.

**IMMERGUT, District Judge.**

On October 16, 2020, Magistrate Judge Youlee Yim You issued her F&R recommending that this Court grant in part and deny in part Plaintiff's Motion for Leave to File an Amended Complaint. ECF 28. Judge You recommended granting Plaintiff's Motion with respect to adding

an equitable right of redemption claim but denying the Motion with respect to adding Medal, LLC as a defendant. No party filed objections.

### **DISCUSSION**

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003). Nevertheless, the Act “does not preclude further review by the district judge, sua sponte” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

In the absence of objections, the Court adopts the F&R. Accordingly, Plaintiff’s Motion for Leave to File an Amended Complaint, ECF 23, is GRANTED IN PART AND DENIED IN PART. Plaintiff may amend its complaint to add a claim for equitable right of redemption of the subject property but may not add Medal, LLC as a defendant.

**IT IS SO ORDERED.**

DATED this 30th day of December, 2020.

/s/ Karin J. Immergut  
 Karin J. Immergut  
 United States District Judge